**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 1686 OF 2005**

Madhuri w/o. Pradip Patil ..Petitioner

versus

State of Maharashtra & Anr. ..Respondents

Mrs. S. Talhar for the Petitioner.

Shri C. R. Sonawane, AGP for the Respondents No.1.

Shri N. V. Walavalkar for the Respondent No.2.

**CORAM : R.M.S. KHANDEPARKAR &**
**NARESH H. PATIL, JJ.**

**DATE : 30TH AUGUST, 2006**

**P.C. :**

1. Heard.

2. Learned Senior Counsel appearing for the Respondent No.2 states that all the statutory financial benefits payable to the Petitioner in accordance with the provisions of law and which cannot be withheld consequent to the death of her husband would be released and paid to the Petitioner within a period of two weeks. We accept the said statement.

3. As regards the other grievances and particularly the grievance regarding failure on the part of the Respondents to exercise discretion in terms of the Government Resolution dated 5.2.1981, the Petitioner has not been able to point out any statutory provision under which it was obligatory for the Respondents to exercise the said discretion. It is entirely in the discretion of the Respondents to take appropriate steps pertaining to the recovery of the amount due from the legal heirs of the deceased husband of the Petitioner.

4. Apart from accepting the said statement on behalf of the Respondent No.2, the Petitioner has not made out any case for interference in the matter, the Petition therefore is dismissed while accepting the said statement on behalf of the Respondent No.2.

**(R.M.S. KHANDEPARKAR, J. )**

**(NARESH H. PATIL, J.)**